

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL NO. 1:06CR7

UNITED STATES OF AMERICA

VS.

JOSEPH DAJUAN BETHEA

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ORDER

THIS MATTER is before the Court *sua sponte*.

The Defendant was sentenced by the undersigned on November 1, 2006, to a prison term of 138 months¹ for possession with intent to distribute cocaine base. **Judgment in a Criminal Case, filed November 27, 2006.** On April 16, 2009, the Probation Office filed a Supplement to the Defendant's presentence report pursuant to the Crack Cocaine Guideline Amendment. **Supplement to the Presentence Report, filed April 16, 2009.** The Probation Office advises that Defendant is not eligible for a reduction of his sentence due to the statutory mandatory minimum of 120

¹ This sentence was later reduced to 100 months on motion of the Government pursuant to Fed. R. Crim. P. 35. **See Amended Judgment in a Criminal Case, filed February 26, 2007.**

months. ***Id.* at 2.** Because this recommendation is adverse to the Defendant, the Court will require a response from counsel.

IT IS, THEREFORE, ORDERED that Defendant's counsel file response to the Supplement to the Presentence Report within 45 days from entry of this Order.

Signed: April 16, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

